



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/497,244	02/03/2000	Russell Jarvors	3910.164	7255

7590

04/25/2003

LAW OFFICE OF RICHARD B. KLAR
875 AVENUE OF THE AMERICAS
SUITE 2301
NEW YORK, NY 10001

EXAMINER

DALENCOURT, YVES

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 04/25/2003

28

Please find below and/or attached an Office communication concerning this application or proceeding.

T.

Office Action Summary

Application No.

09/497,244

Applicant(s)

JARVORS, RUSSELL

Examiner

Yves Dalencourt

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-9, 11 and 24-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-9, 11 and 24-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

This action is responsive to continued prosecution application filed on 04/08/03.

Response to Amendment

The examiner has acknowledged the amended claims 2, 24, and 30.

Claim Objections

Claim 30 is objected to because of the following informalities: It is suggested to delete " mpotor " (claim 30, line 9) and insert -- motor --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 recites the limitation "the signaling system" in claim 1, line 7. There is insufficient antecedent basis for this limitation in the claim. A signaling system has not previously been identified in the claim.

Claims 3 – 9, and 11 are necessarily rejected as being dependent upon the rejection of claim 2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2635

Claims 2 – 9, 11, and 24 – 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanders et al (US 4,754,255; hereinafter Sanders) in view of Applicant's admitted prior art (page 1 of the specification).

Regarding claims 2 - 7, 9, 11, 24, 26 - 33, and 36 Sanders et al teaches a user identifying vehicle control and security device which comprises a security alarm device (figure 3) comprising a controller (38, figure 3) and having an armed state and an unarmed state, the controller being responsive to a signal input to at least one input thereto cause the security alarm device to selectively assume the armed and unarmed states (paragraph bridging col. 4 & col. 5) ; a signaling device coupled to the controller and responsive thereto to provide an audio or visual alarm signal (paragraph bridging col. 10 & col. 11); the controller causing the signaling device to provide an alarm signal with a change of state of the security alarm device between its armed state and its unarmed state (col. 5, lines 14 - 43).

Sanders et al teaches all the limitations, but fails to specifically teach a toy. Applicant admits it is desired in the toy vehicle business to replicate as much of the real vehicle as possible. Sanders shows real vehicle operations as mentioned above. Therefore, it would be obvious to replicate real vehicle operations as evidenced by admitted prior art for the purpose of providing a toy vehicle security alarm system.

Regarding claim 8, the examiner takes official notice that a remote control that includes an infrared transmitter and the receiver includes an infrared receiver is well known in the art.

Regarding claim 25, Sanders et al and Applicant's admitted prior art teach all the limitations on claim 2, and Sanders et al further teaches a sensor external to the controller coupled to at least one input of the controller , the controller selectively activating the alarm responsive to the sensor (col. 3, lines 49 - 61).

Regarding claims 34 - 35, Sanders et al and Applicant's admitted prior art teach all the limitations on claim 2, and Sanders et al further teaches a first manually actuable control in response to actuation of which the controller causes the motor drive to supply power to the monitor in the unarmed state of the security alarm device; and a remote control device coupled to the controller and including the first control and a second manually actuable control in response to actuation of which the controller causes the alarm device to change between its armed and unarmed states (col. 3, lines 25 - 48).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

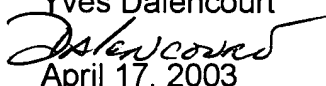
Cynthia D. Prather (US Patent Number 5, 924,507) discloses a powered toy vehicle with containment system.


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (703) 308-8547. The examiner can normally be reached on M-TH 7:30AM - 6: 30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Yves Dalencourt

April 17, 2003


BRIAN ZIMMERMAN
PRIMARY EXAMINER